

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVEL JONES,

Plaintiff,

vs.

MICHAEL GETTMANN and
ROBERT ROSE, in their individual
capacities,

Defendants.

8:23-CV-182

ORDER

This matter is before the Court on the plaintiff's motion to appoint counsel ([filing 56](#)). Pursuant to [28 U.S.C. § 1915\(e\)\(1\)](#), the Court "may request an attorney to represent any person unable to afford counsel." *Crozier for A.C. v. Westside Cmty. Sch. Dist.*, 973 F.3d 882, 889 (8th Cir. 2020). The Court must consider the factual and legal complexity of the issues, the existence of conflicting testimony, and the ability of the plaintiff to investigate the facts and present his claims. *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018).

The Court finds that the criteria for appointment of counsel are satisfied in this case. The plaintiff is unable to afford counsel. See [filing 54](#); [filing 55](#). The issues are factually and legally complex, and given the plaintiff's institutionalization, it may be difficult for all parties to complete discovery without the assistance of plaintiff's counsel.

IT IS ORDERED:

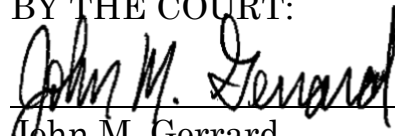
1. The plaintiff's motion for appointment of counsel ([filing 56](#)) is granted.
2. The plaintiff's motion to reconsider ([filing 57](#)), motion for subpoena ([filing 58](#)), and objection ([filing 59](#)) are denied without prejudice to reassertion through appointed counsel, after counsel has an opportunity to review the case and confer with his client.

3. Pursuant to [NECivR 1.7](#), [28 U.S.C. § 1915\(e\)\(1\)](#), and the inherent authority of the Court, Nathan J. Stratton and the law firm of Stratton, Delay, Doele, Carlson, Buettner & Stover, P.C., L.L.O. are appointed to represent the plaintiff.
4. The Clerk of the Court shall provide a copy of this order and a copy of [filing 52](#) to the above-named counsel:

Nathan J. Stratton
200 West Benjamin Avenue
Norfolk, NE 68702-0888
nstratton@norfolknelaw.com
5. Counsel shall promptly enter an appearance accepting the Court's appointment.
6. Expenses and attorney fees shall be paid from the Federal Practice Fund under the restrictions set out in [NECivR 1.7](#) and the [Amended Plan for the Administration of the Federal Practice Fund and the Federal Practice Committee \(as adopted December 29, 2021\)](#). Counsel is particularly directed to Section II(A)(1)(a), Section VI(A)(1), and Attachment A of the Plan, which explain what fees and expenses are authorized and how to seek reimbursement.
7. On or before July 25, 2024, counsel for the parties shall contact the Magistrate Judge's chambers to set a scheduling conference to discuss case progression.

Dated this 11th day of July, 2024.

BY THE COURT:



John M. Gerrard
Senior United States District Judge